

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID LAMONT KENDRICK,)
)
Petitioner,)
)
v.) Civil Action No. 06-167
) Judge Lancaster
MARDI HUNSMERGER, et al,) Magistrate Judge Caiazza
)
)
Respondents.)

MEMORANDUM ORDER

David Lamont Kendrick's Petition for Writ of Habeas Corpus was received by the Clerk of Court on February 8, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

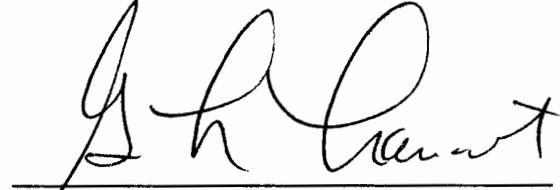
The Magistrate Judge's Report and Recommendation, filed on November 21, 2006, recommended that recommended that the Petition for Writ of Habeas Corpus filed by David Lamont Kendrick be dismissed and that a Certificate of Appealability be denied. The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Intuition at Laurel Highlands, Somerset, Pennsylvania, where he is incarcerated and on the Respondents. Objections were filed byt the Petitioner on November 7, 2006.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 16th day of Dec, 2006,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by David Lamont Kendrick is dismissed and that a certificate of probable cause is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 18), dated November 21, 2006, is adopted as the opinion of the court.



Gary L. Lancaster
U.S. District Court Judge

cc:

David Lamont Kendirick, DM-6689
SCI Laurel Highlands
5706 Glades Pike
Somerset, PA 15501-0631

All parties of record.